



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: October 2, 2013

Sponsored by Council Members: Motsavage, Webb, Rennia, Mihalko, Matzo

Introduced by Committee: Public Works/Parks and Recreation

RESOLUTION

entitled

A RESOLUTION APPROVING AMENDMENTS
TO THE RULES AND REGULATIONS
RELATING TO THE USE OF THE
BINGHAMTON-JOHNSON CITY JOINT
SEWAGE TREATMENT PLANT

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the "JSTF") with the Village of Johnson City (the "Village"); and

WHEREAS, the JSTF are operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") on behalf of the City and the Village; and

WHEREAS, in furtherance of Permanent Resolution 12-20, it is appropriate that certain amendments be made to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*; and

WHEREAS, the Sewage Board has caused amendments to be prepared, duly published a notice of a public hearing August 17th and 20th, 2013 in the Press & Sun Bulletin, and held a public hearing regarding the amendments August 27, 2013, at which no persons appeared wishing to comment; and

WHEREAS, no oral or written comments were received, the Sewage Board duly adopted the amendments August 27, 2013; and

WHEREAS, the Sewage Board caused a certified copy of the adopted amendments to be filed with the City on September 4, 2013 for approval in accordance with Section 4.05(a)(3) of the *Binghamton-Johnson City Joint Sewage Treatment Plant Law* and Section 3.10(a)(3) of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in special session, does hereby:

RESOLVE that 2013 Amendments 1, 2, and 3 to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are hereby approved in form attached hereto, and be it further

RESOLVED that this Resolution take effect immediately.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 10/2/13. Approved by the
Mayor on 10/2/13

[Signature]

I hereby certify the above to be a true copy of the resolution adopted by the Council of the City of Binghamton at a meeting held on _____ approved by the Mayor on _____

Introductory No. R13-82

Permanent No. R13-81

Sponsored by City Council Members:
Motsavage, Webb, Rennia, Mihalko, Matzo

A RESOLUTION APPROVING AMENDMENTS
TO THE RULES AND REGULATIONS RELATING
TO THE USE OF THE BINGHAMTON-JOHNSON
CITY JOINT SEWAGE TREATMENT PLANT

The within Resolution was adopted by the Council of
the City of Binghamton.

Date October 2, 2013

City Clerk Judy Peltz

Date Presented to Mayor October 3, 2013

Date Approved 10/3/13

Mayor Nathan R. Ray

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

AMENDMENT 1

**AMENDMENTS TO
RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT**

(effective January 1, 2014, prospectively

as to flow reporting for the reporting year which includes January 1, 2014, and thereafter)

PART I - amend Section 9.07 to read:

§9.07 ANNUAL REPORTING OF MUNICIPAL WASTEWATER FLOWS AND RATES

Not later than March 31st of every year each Municipal User (including the Owners) shall certify to the Board the volume of water consumed or discharged to the public sewer and its rate schedule[s] in effect during the calendar year just ended by delivering to the Board a report certified by the Municipal User as provided in subparagraph (g), *below*, in the form attached hereto as Appendix A (which form is to be provided in digital format by or on behalf of the Manager via e-mail sent at least thirty [30] days before the first day of the calendar year to be covered by the report, such e-mail to be addressed to the Municipal User's Liaison Officer [designated in accordance with §9.02, *above* or, if none, to the Municipal User's chief executive officer] including, to the extent determined by the Board, the wastewater flows certified by the Board for the previous two calendar years, and to which form shall be annexed or attached a copy of Table 12.05.03-1 to these rules and regulations), on which the Municipal User shall report, at a minimum, the following information:

- (a) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the Binghamton-Johnson City Joint Sewage Treatment Facilities ("JSTF"), the volume of water consumed by each such sewer-connected property which obtains water from the Municipal User's public water supply, aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:
 - (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
 - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,

- (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
 - (iv) not metered and not billed for sewer usage.
- (b) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the volume of water consumed by each such sewer-connected property which does not obtain water from the Municipal User's public water supply (for example, properties which obtain water from private wells or from a different Municipal User), aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:
- (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
 - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,
 - (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
 - (iv) not metered and not billed for sewage usage.
- (c) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the annual total for the reporting year based on the sum of the applicable volumes as between (a) and/or (b), above, for each sewer-connected property.
- (d) as an attachment, with respect to non-metered properties, a listing by street address of each non-metered property, together with the corresponding classification and characteristics of such property under Table 12.05.03-1 of these rules and regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development"; also indicating, if applicable, when footnote 2(b) to Table 12.05.03-1 applies with respect to all plumbing fixtures installed on the property.
- (e) as an attachment, the Municipal User's schedule[s] of charges for sewer rents/charges in effect at any time during the reporting year, including an identification of the effective date of change in the event that more than one schedule has been in effect during the year.

- (f) if the Municipal User has applied any adjustments from the Municipal User's metering and/or billing records to arrive at the numbers reported under subparagraphs (a), (b), and/or (c), above, the Municipal User shall attach a list to its report describing, at a minimum, the amount and reason/basis for the adjustment[s] applicable to each property for which an adjustment has been applied.
- (g) the report shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (print individual's name), do hereby certify
that I am the _____ (print individual's title) for the
_____ (print Municipal User's name) for which this
report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____ e-mail address _____

Date _____

If a Municipal User fails to timely file a flow certification report as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the flow certification remains unfiled after March 31st, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or actual flow determination impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

After receiving and reviewing the flow certification report submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief

executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent flow certification report then, in addition to imposing any penalty provided for in the previous subparagraph (if the Municipal User's initial flow certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

Notwithstanding anything to the contrary appearing in these rules and regulations or otherwise, the Board may certify the wastewater flows of all Municipal Users using a minimum basis corresponding to Table 12.05.03-1 of these rules and regulations as the daily average wastewater flow from an unmetered property for which a lower daily average flow is reported or certified by a Municipal User. When such action is taken by the Board with respect to any unmetered property, the same action shall be taken with respect to all similarly-situated unmetered properties of all Municipal Users during the same reporting year. Nevertheless, the taking of such action by the Board in the course of certifying wastewater flows shall not be used as a basis for assessment of any penalties for untimely filing or erroneous reporting under the previous two subparagraphs of this section.

attachment: Appendix A (standard reporting form)

(continues on next page)

PART II - amend the reference to "March 1" in Section 9.08 to read "March 31st", as follows:

§9.08 ESTIMATED BILLS

The Board may render an estimated bill if a Municipal User's wastewater flow for the previous calendar year remains unreported after March 31st. Estimated bills shall be clearly marked as such. Charges in estimated bills shall be based on the User's latest actual reported flow multiplied by a factor of 1.25. Where such estimate results in an overpayment by the User, the Board shall credit the overpayment on the User's bill for the ensuing year.

(end of Amendment 1)

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AMENDMENT 2

**AMENDMENT TO
RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT**

(effective date: November 1, 2013 [i.e., applicable to reporting of 2013 Debt Service Costs and estimated 2014 Debt Service Costs, and thereafter])

add new sections, as follows:

**§7.08 ANNUAL REPORTING BY OWNERS OF ESTIMATED DEBT RETIREMENT COSTS FOR THE
UPCOMING CALENDAR YEAR**

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as estimated billing in accordance with §9.08 and other governing agreements, not later than November 15th of each year the Owners shall deliver to the Board a report, setting forth, at a minimum, the following information regarding estimated debt retirement costs for the upcoming calendar year with respect to the Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
 - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
 - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
 - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
 - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
 - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.

- (b) Should an Owner project not having any debt retirement costs during the upcoming calendar year, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than November 15th in lieu of the report described in subparagraph (a), above.
- (c) In the absence of a report from an Owner as aforesaid, the Board may proceed on the basis that such Owner will have estimated debt retirement costs during the upcoming calendar year equal to its estimated debt retirement costs for the current year or, if no such estimate has been furnished, equal to its actual debt retirement costs for the prior year.

§7.09 ANNUAL REPORTING BY OWNERS OF DEBT RETIREMENT COSTS

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as final billing in accordance with §9.08 and other governing agreements, not later than January 31st of each year the Owners shall deliver to the Board a report, certified as provided in subparagraph (c), *below*, setting forth, at a minimum, the following information regarding debt retirement costs for the calendar year just ended with respect to the Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
 - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
 - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
 - (iii) the gross total amount of principal payments made during the calendar year just ended; and
 - (iv) the gross total amount of interest payments made during the calendar year just ended; and
 - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
 - (vi) the total amount of administrative fees paid during the calendar year just ended; and

- (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
 - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31st (or, otherwise, the last business day) of the calendar year just ended.
- (b) Should an Owner not have had any debt retirement costs during the calendar year just ended, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than January 31st in lieu of the report described in subparagraph (a), above.
- (c) The report or letter shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (print individual's name), do hereby certify that I am the _____ (print individual's title) for the _____ (print Owner's name) for which this report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____ e-mail address _____

Date _____

- (d) In the absence of a certified report from an Owner as aforesaid, the Board may proceed on the basis that such Owner did not have any debt retirement costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for debt retirement costs during the year just ended.
- (e) If an Owner fails to timely file a certified report of debt retirement costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after January 31st, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report

remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a timely report submission or determination of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

- (f) After receiving and reviewing the certified report of debt retirement costs submitted by an Owner, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Owner aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Owner fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Owner and shall also be copied to the chief executive of the other Owner. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Owner and the chief executive of the other Owner of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Owner shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Owner's most recent certified report of debt retirement costs then, in addition to imposing any penalty provided for in subparagraph (e), above (if the subject Owner's initial debt retirement cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the subject Owner to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If an Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a complete or accurate report submission or determination of actual debt retirement costs impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

(end of Amendment 2)

AMENDMENT 3

AMENDMENT TO
RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT

(effective date: November 1, 2013 [i.e., applicable to reporting of 2013 Local Systems Costs and estimated 2014 Local Systems Costs, and thereafter])

add new sections, as follows:

§9.10 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF ESTIMATED LOCAL SYSTEMS COSTS FOR THE UPCOMING CALENDAR YEAR

To assist the Board in the discharge of its duties of estimated billing in accordance with §9.08 and other governing agreements, not later than November 15th of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the estimated bills to be computed by the Board for the upcoming calendar year:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
 - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
 - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
 - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
 - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
 - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.

- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for estimated expenditure items which are includable for billing purposes as a local systems cost:
- (i) the name and number of the expenditure budget line; and
 - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such expenditure budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for estimated capital project items which are includable for billing purposes as a local systems cost:
- (i) the name and number of the capital budget line; and
 - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such capital project budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
 - (iii) no capital expenditure which is intended or expected to result in the generation of Flow Credits under Article 13 of these *Rules and Regulations* shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of estimated billing in accordance with §9:08 of these *Rules and Regulations* and other governing agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.
- (d) Should a Municipal User (including an Owner) project not having any local systems costs during the upcoming calendar year, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by letter to the Board delivered not later than November 15th in lieu of the report described above.
- (e) In the absence of a report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User will have estimated local systems costs during the upcoming calendar year equal to its estimated local systems costs for the current year or, if no such estimate has been furnished, equal to its actual local systems costs for the prior year.

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§9.11 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF LOCAL SYSTEMS COSTS

To assist the Board in the discharge of its duties of final billing in accordance with §9.08 and other governing agreements, not later than April 30th of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report, certified as provided in subparagraph (e), *below*, setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the final bills to be computed by the Board for the calendar year just ended:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
 - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
 - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
 - (iii) the gross total amount of principal payments made during the calendar year just ended; and
 - (iv) the gross total amount of interest payments made during the calendar year just ended; and
 - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
 - (vi) the total amount of administrative fees paid during the calendar year just ended; and
 - (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
 - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31st (or, otherwise, the last business day) of the calendar year just ended.
- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for expenditure items which are includable

for billing purposes as a local systems cost:

- (i) the name and number of the expenditure budget line; and
 - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
 - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for capital project items which are includable for billing purposes as a local systems cost:
- (i) the name and number of the capital budget line; and
 - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such capital project budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
 - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such capital budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
 - (iv) no capital expenditure which has resulted in (or, if not yet completed, is intended to result in) the generation of Flow Credits under Article 13 of these *Rules and Regulations*, shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of final billing in accordance with §9.08 of these *Rules and Regulations* and other governing

agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.

(d) Should a Municipal User (including an Owner) not have had any local systems costs during the calendar year just ended, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by certified letter to the Board delivered not later than April 30th in lieu of the certified report described above.

(e) The report or letter shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (print individual's name), do hereby certify that I am the _____ (print individual's title) for the _____ (print Municipal User's name) for which this report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____

e-mail address _____

Date _____

(f) In the absence of a certified report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User did not have any local systems costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for local systems costs during the year just ended.

(g) If a Municipal User fails to timely file a certified report of local systems costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after April 30th, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or determination

of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

- (h) After receiving and reviewing the certified report of local systems costs submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent certified report of local systems costs then, in addition to imposing any penalty provided for in subparagraph (g), above (if the Municipal User's initial local systems cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If a Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

(end of Amendment 3)

D. Listing Required for Non-Metered Properties - the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development". [Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property]. A copy of Table 12.05.03-1 is annexed to this form.

PAGE 2 of 3

FOR THE CALENDAR YEAR: 2014

PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)

	BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE								
	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2012	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2012	units
A. Residential Properties (includes multi-family dwellings)																		
- metered and billed for usage (includes properties supplied water by another municipality's public water supply)	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered but billed for usage describe billing basis / formula used:	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
B. Non-Residential Properties industrial, government, schools, churches/religious)																		
- metered and billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered but billed for usage describe billing basis / formula used:	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
C. Mixed-Use Properties nation of Business, Commer- cial, and/or Residential, etc. (includes combined business/ residential uses, etc.)																		
- metered and billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered but billed for usage describe billing basis / formula used:	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>			<input type="text" value="0"/>	

D. Listing Required for Non-Metered Properties - the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development". [Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property]. A copy of Table 12.05.03-1 is annexed to this form.

ANNUAL REPORT OF WASTEWATER FLOWS OF:

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(MUNICIPAL USER NAME)

(continued)

FOR THE CALENDAR YEAR: 2014

PART III - TOTALS FOR YEAR

BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)								
NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW FOR YEAR		NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW FOR YEAR		BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			BINGHAMTON FLOW SIDE		
	units			units		NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2012	units	NUMBER OF SEWER- CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units
TOTALS	0		0	0		0	0	0	0	0	0	0	0	0

PART IV - MISCELLANEOUS

- A. For assistance with questions regarding the completion of this form, please contact Shane Guilford, Business Manager, at 217-5429 or e-mail <sguilford@stny.rr.com>.
- B. Please attach a copy of your municipality's "rate card" or other description of sewer rates, sewer rents, and/or other sewer use charges billed during 2014 to connected properties (including ad valorem property tax assessments, if applicable).
- C. If adjustments have been made from the Municipal User's metering and/or billing records to arrive at the numbers reported above, attach a list to this report stating for each adjustment, at a minimum: the property's street address, the adjustment amount/units, and the reason/basis for the adjustment.
- D. The Joint Sewage Board reserves the right to periodically and/or randomly audit the supporting records used by the Municipal User to produce this report.
- E. At the Municipal User's option, additional supporting documentation may be attached to this report.

PART V - CERTIFICATION

I,

(print individual's name)

, do hereby certify that I am the

(print individual's title or office)

 for the

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(print name of Municipal User)

for which this report is being made; and that the report, including all attachments, is a true and correct statement.

Signature: _____

Address: _____

Telephone: _____ e-mail address: _____@_____

Date: _____, 2015

TABLE 12.05.03-1: NEW DEVELOPMENT SEWAGE FLOW RATES

Source of Flow	Flow Rate to be Added to the POTW ⁽²⁾	Reference
Residential Homes	1 Bedroom - 150 gal/day 2 Bedroom - 300 gal/day 3 Bedroom - 400 gal/day 4 Bedroom - 475 gal/day 5 Bedroom - 550 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Apartments	1 Bedroom - 150 gal/day 2 Bedroom - 300 gal/day 3 Bedroom - 400 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Office Buildings	Based on the larger of 15 gal/day times the number of employees or 0.1 gal/day times the total square footage of space	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Restaurants	Ordinary Restaurant (more than 50 seats)– 35 gal/day/per seat 24-hr Service Restaurant (more than 50 seats) – 50 gal/day/per seat Tavern (less than 50 seats) – 20 gal/day/per seat	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Industrial Flows	To be determined at the time of application based on similar industry type and size	
Other sources such as Stores, Motels/Hotels, Recreational Facilities, etc.	To be determined at the time of application based on similar business type and size or the <i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾	

- (1) In the event that NYSDEC amends the 1988 edition, the amended edition shall govern prospectively only, with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the amendment.
- (2) The Design Standards for Wastewater Treatment Works, 1988 edition as published by NYSDEC allow for the following:
- a. Hydraulic loading rates based on actual water usage data if available for the specific type of new development/facility.
 - b. 20% reduction in the above listed flow rates if certified water saving plumbing fixtures are used.
 - c. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.